

Cooper Diligence Response

Faccioli, Richard - PA

From: tcoopeructpa@comcast.net
Sent: Monday, July 22, 2013 3:02 PM
To: Claims Management
Subject: Rescap Claim Information Claim Number 6270 and 6272
Attachments: TDBankpayoff5-19-05.pdf; 6272.pdf; 6270.pdf; 4912.pdf; 2418.pdf

July 22, 2013

Residential Capital, LLC
PO Box 385220
Bloomington, Minnesota 55438

RE: GMAC and RESCAP Claim #6270 and #6272
Thomas G. Cooper and Catherine D. Cooper
GMAC Loan No. [REDACTED] 0840
Property Address: 175 South Street, Concord, NH 03301

VIA E-MAIL TO: Claims.Management@gmacrescap.com

To Whom it May Concern:

This is in response to the letter we received from RESCAP Morrison-Foerster dated June 21, 2013 regarding the above claims. We have previously provided attached documentation to the proof of claim form which was attached to your letter. Your letter requests a statement of our claim and to attach documentation for the claim. Our claim is as follows:

On not less than 12 separate occasions during 2012 we have attempted by telephone, in writing, and by e-mail to obtain from GMAC an accounting of all transactions and all paperwork pertaining to a line of credit we opened with GMAC on August 25, 2003 (Account Number [REDACTED] 0840: Property located at 175 South Street Concord, NH 03301). To date we have been provided only 5 pages of an original note dated June 21, 2003 which was apparently signed only by us. The only other information we have been provided – and we have been provided this same information on two separate occasions – is a computer generated printout showing payment and balance activity on this account for the period from October 20, 2009 through September 20, 2012.

We have yet to receive a detailed accounting for all charges assessed to us, including the interest rate and related assessments from the time period from August 25, 2003 to the present. And we do not have any documents other than the August 25, 2003 note. This is particularly significant because on May 19, 2005 at a closing which took place in Concord, NH at Bank of New Hampshire (now TD BANK) we signed a document specifically closing the GMAC account and requesting GMAC to execute and record a mortgage discharge for the June 21, 2003 note. This documentation closing the account was included in a letter from the Bank of New Hampshire dated May 19, 2005 along with an Official Check payable to GMAC in the amount of \$45,508.82. GMAC never recorded the Discharge of Mortgage.

We have consistently been unable to proceed with a refinance of our home mortgage and to take advantage of significantly lower interest rates because the GMAC mortgage continues to show up

as an encumbrance on the property. We have been unable to move forward with these and related financial plans as a result of GMAC's failure to provide us with the requested information. Our claim is for the entire amount of the undischarged encumbrance along with financial losses suffered as a result of being required to pay interest on our home mortgage (5.25%) as opposed to the 3.5% interest rate (and, at times, lower) we should have been in a position to obtain but for the GMAC encumbrance.

We have tried on numerous occasions to resolve this matter and would like to bring this issue to conclusion in the very near future. Attached is our claim documentation which was submitted in support of our claim and which you may not have reviewed or been provided with prior to sending your letter of June 21, 2013. Please let us know what other documentation is required to evaluate and adjudicate our claim. Please feel free to contact us at: 603-496-5997. Thank you for your consideration.

Thomas G. Cooper
Catherine D. Cooper
PO Box 3671
Concord, NH 03301

Attachments to Claim sent in accompanying e-mails to:
Claims.Management@gmacrescap.com